Senate File 184 - Introduced

SENATE FILE 184
BY ZAUN

A BILL FOR

- 1 An Act relating to jurisdictional changes to small claims court
- 2 cases.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

S.F. 184

- 1 Section 1. Section 631.1, subsections 1, 3, 4, 5, 7, and 8, 2 Code 2015, are amended to read as follows:
- 3 1. The following actions or claims are small claims and
- 4 shall be commenced, heard and determined as provided in this
- 5 chapter:
- 6 a. A civil action for a money judgment where the amount in
- 7 controversy is four five thousand dollars or less for actions
- 8 commenced before July 1, $\frac{2002}{2015}$, exclusive of interest and
- 9 costs.
- 10 b. A civil action for a money judgment where the amount in
- ll controversy is five ten thousand dollars or less for actions
- 12 commenced on or after July 1, 2002 2015, exclusive of interest
- 13 and costs.
- 3. The district court sitting in small claims has concurrent
- 15 jurisdiction of an action of replevin if the value of the
- 16 property claimed is four five thousand dollars or less for
- 17 actions commenced before July 1, 2002 2015, and five ten
- 18 thousand dollars or less for actions commenced on or after July
- 19 1, 2002 2015. When commenced under this chapter, the action is
- 20 a small claim for the purposes of this chapter.
- 21 4. The district court sitting in small claims has concurrent
- 22 jurisdiction of motions and orders relating to executions
- 23 against personal property, including garnishments, where the
- 24 value of the property or garnisheed money involved is four five
- 25 thousand dollars or less for actions commenced before July 1,
- 26 2002 2015, and five ten thousand dollars or less for actions
- 27 commenced on or after July 1, 2002 2015.
- 28 5. The district court sitting in small claims has concurrent
- 29 jurisdiction of an action for abandonment of a manufactured or
- 30 mobile home or personal property pursuant to section 555B.3, if
- 31 no money judgment in excess of four five thousand dollars is
- 32 sought for actions commenced before July 1, 2002 2015, and five
- 33 ten thousand dollars or less for actions commenced on or after
- 34 July 1, 2002 2015. If commenced under this chapter, the action
- 35 is a small claim for the purposes of this chapter.

S.F. 184

- 1 7. The district court sitting in small claims has concurrent 2 jurisdiction of an action for the collection of taxes brought 3 by a county treasurer pursuant to sections 445.3 and 445.4 4 where the amount in controversy is five thousand dollars or 5 less for actions commenced on or after before July 1, 2003 6 2015, and ten thousand dollars or less for actions commenced on 7 or after July 1, 2015, exclusive of interest and costs. 8 The district court sitting in small claims has concurrent 9 jurisdiction of motions and orders relating to releases of 10 judgments in whole or in part including motions and orders 11 under section 624.23, subsection 2, paragraph c and section 12 624.37, where the amount owing on the judgment, including 13 interests and costs, is five thousand dollars or less for 14 actions commenced before July 1, 2015, and ten thousand dollars 15 or less for actions commenced on or after July 1, 2015. 16 Sec. 2. JURISDICTIONAL AMOUNT REVERSION. 17 jurisdictional amount in the section of this Act that amends 18 section 631.1 shall revert to five thousand dollars if a court 19 of competent jurisdiction declares the ten thousand dollar 20 amount unconstitutional.
- 21 EXPLANATION
- The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.
- This bill makes jurisdictional changes to small claims
 court cases. The bill provides that a small claims court case
 commenced on or after July 1, 2015, shall not involve damages
 or value in excess of \$10,000. Under existing law, a small
 claims court case shall not involve damages or value in excess
 of \$5,000. The bill further provides that the jurisdictional
 amount shall revert to \$5,000 if a court finds the \$10,000
 amount unconstitutional. By increasing the jurisdictional
 amount for small claims court the bill expands the jurisdiction
 and assess judgment on certain actions, including county and city
 violations.

jh/rj